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10/506,595

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Lars Hindersson

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05/19/2009

EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2419

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,595	<b>Applicant(s)</b> HINDERSSON, LARS	
	<b>Examiner</b> Andrew C. Lee	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1 – 17 are pending.
2. Independent claims 1, 8, 15 have been amended. However, the claim 15 is still claimed as previously presented. It is a typo. Appropriate action and correction are required.

### ***Claim Objections***

3. Claim 5 is objected to because of the following informalities:  
  
Regarding claim 5, claim 5 is a dependent claim. However, it is not clear which independent claim it is dependent on. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15 are rejected U.S.C. 103(a) as being unpatentable over by Katseff et al. (US 6301258 B1) in view of Chang et al. (US 6330247 B1).

**Regarding claim 1**, Katseff et al. disclose a device for handling asynchronously transferred digital packets on a network (*"PC-based packet phone" interpreted as a device for handling asynchronously transferred digital packets; Fig.1, co. 3, lines 5 – 22*), except separate from an associated personal computer (PC), comprising: a

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network connection for exchanging digital packets with the network and the associated PC (*"I/O port" and "to connect to a packet network" interpreted as a network connection; Fig. 1, col. 4, lines 1 – 13*); a control connection between the device and the associated PC for transferring control signals and for connecting a telephony application, resident on the associated PC, to the device via the network connection (*"PPP used for communicating over a packet network, and TCP/IP is typically used for control and setup" interpreted as a control connection between the device and the PC; col. 3, lines 50 – 56*) wherein the device comprises; a software frame buffer for buffering the digital packets (*"data conversion buffer"; Fig. 1, col. 3, lines 20 – 22*); a coder/decoder (codec) connected to the buffer for decoding the digital packets (packets (*"CODEC"; Fig. 1, col. 3, lines 20 – 22*) and a digital-to-analog-analog-to-digital (D/A-A/D) converter connected to the codec, for converting the digital packets into an analog signal (*"element 112, Sound A/D, D/A"; Fig. 1, col. 3, lines 5 – 22*).

Katseff et al. do not disclose explicitly a device separate from an associated personal computer (PC).

Chang et al. teach a device separate from an associated personal computer (PC) (*element 10, Fig. 1, Fig. 8A, Fig. 8B, Fig. 8C, Abstract, col. 2, lines 51 – 62, col. 10, lines 36 – 67, col. 11, lines 1 – 2*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. to include the features of a device separate from an associated personal computer (PC) as taught by Chang et al. One of ordinary skill in the art would be motivated to do so for providing a novel and

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improved method and apparatus for communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) *(as suggested by Chang et al., see col. 2, lines 14 – 17).*

**Regarding claim 2**, Katseff et al. disclose the device according to claim 1, wherein the codec and the frame buffer exchanges audio frames *(col. 3, lines 20 – 22)* and

Katseff et al. do not disclose explicitly the codec device includes an auxiliary codec for generating audio frames to be inserted in a stream of audio frames.

Chang et al. in the same field of endeavor teach the codec device includes an auxiliary codec for generating audio frames to be inserted in a stream of audio frames *(“AUX DSP and Codec”; Fig. 1, element 116 and 120, col. 4, lines 22 – 26).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. to include the features of the codec device includes an auxiliary codec for generating audio frames to be inserted in a stream of audio frames as taught by Chang et al. One of ordinary skill in the art would be motivated to do so for providing a novel and improved method and apparatus for communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) *(as suggested by Chang et al., see col. 2, lines 14 – 17).*

**Regarding claim 3**, Katseff et al. do not disclose explicitly the device according to claim 2, wherein the auxiliary codec is arranged to predict audio frames and replace frames from lost audio packets with the predicted frames.

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Chang et al. in the same field of endeavor teach the device according to claim 2, wherein the auxiliary codec is arranged to predict audio frames and replace frames from lost audio packets with the predicted frames (*col. 4, lines 39 – 51*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. to include the features of the device according to claim 2, wherein the auxiliary codec is arranged to predict audio frames and replace frames from lost audio packets with the predicted frames as taught by Chang et al. One of ordinary skill in the art would be motivated to do so for providing a novel and improved method and apparatus for communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) (*as suggested by Chang et al., see col. 2, lines 14 – 17*).

**Regarding claim 4**, Katseff et al. disclose the device according to claim 2, wherein the codec device is a hardware device ("*Codec may be either a hardware or software*"; *col. 3, lines 26 – 30*).

**Regarding claim 6**, Katseff et al. disclose the device according to claim 2, wherein the buffer is arranged to receive a control signal on the control connection from the telephony application, which control signal determines the width of the buffer (*col. 3, lines 31 – 37*).

**Regarding claim 8**, Katseff et al. disclose a method for handling a digital audio signal with a personal computer (PC), the PC including a telephony application which is connected both to a network and to an audio a sound device (*Fig.1, co. 3, lines 5 – 22*),

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the method including: exchanging audio packets which are asynchronously transferred over the network (*“PC-based packet phone” interpreted as a device for handling asynchronously transferred digital packets; Fig. 1, co. 3, lines 5 – 22*); transferring the audio packets asynchronously through the PC between the telephony application and the audio device (col. 3, lines 37 – 43), except where said audio device is separate from the PC; buffering the audio packets in a frame buffer in the audio device (*col. 3, lines 20 – 22, col. 4, lines 34 – 44*); decoding audio frames in the audio packets in a codec device (*“decompresses the audio data”; col. 4, lines 64 – 67, col. 5, line 1*); and digital-to-analog (D/A) converting the decoded audio frames (*“D/A converter”; col. 5, lines 1 – 5*).

Katseff et al. do not disclose explicitly where said audio device is separate from the PC.

Chang et al. teach where said audio device is separate from the PC (*element 10, Fig. 1, Fig. 8A, Fig. 8B, Fig. 8C, Abstract, col. 2, lines 51 – 62, col. 10, lines 36 – 67, col. 11, lines 1 – 2*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. to include the features of where said audio device is separate from the PC as taught by Chang et al. One of ordinary skill in the art would be motivated to do so for providing a novel and improved method and apparatus for communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) (*as suggested by Chang et al., see col. 2, lines 14 – 17*).

**Regarding claim 9**, Katseff et al. disclose the method according to claim 8, wherein the codec device includes a codec and the method includes: following in the codec a stream of audio frames (*col. 3, lines 20 – 26*); generating audio frames in the codec in dependence on the stream of audio frames (*col. 3, lines 27 – 43*); and inserting the generated audio frames into the stream of audio frames (*col. 3, lines 44 – 44 – 47*).

Katseff et al. do not disclose explicitly wherein the codec device includes an auxiliary codec and the method includes: following in the auxiliary codec a stream of audio frames; generating audio frames in the auxiliary codec in dependence on the stream of audio frames; and inserting the generated audio frames into the stream of audio frames.

Chang et al. in the same field of endeavor teach wherein the codec device includes an auxiliary codec and the method includes: following in the auxiliary codec a stream of audio frames (*Fig. 1, col. 4, lines 39 – 51*); generating audio frames in the auxiliary codec in dependence on the stream of audio frames (*col. 4, lines 22 - 26*); and inserting the generated audio frames into the stream of audio frames (*col. 4, lines 30 – 37*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. to include the features of wherein the codec device includes an auxiliary codec and the method includes: following in the auxiliary codec a stream of audio frames; generating audio frames in the auxiliary codec in dependence on the stream of audio frames; and inserting the



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generated audio frames into the stream of audio frames as taught by Chang et al. One of ordinary skill in the art would be motivated to do so for providing a novel and improved method and apparatus for communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) (*as suggested by Chang et al., see col. 2, lines 14 – 17*).

**Regarding claim 10**, Katseff et al. disclose the method according to claim 9, including: predicting audio frames in dependence on the stream of audio frames; and inserting predicted audio frames for frames in lost audio packets (*col. 5, lines 17 – 25*).

**Regarding claim 11**, Katseff et al. disclose the method according to claim 9 including: indicating whether the frame buffer is temporarily empty; and inserting generated noise audio frames when the buffer is empty (*“Buffer will also typically empty”, “silence suppression”; col. 5, lines 17 – 25*).

**Regarding claim 12**, Katseff et al. disclose the method according to claim 8 including: indicating whether the frame buffer is overfilled; and speeding up the codec device when the buffer is overfilled (*Fig. 3, Fig. 4A, col. 7, lines 9 – 11*).

**Regarding claim 13**, Katseff et al. disclose the method according to claim 8, wherein the telephony application has a control connection to the audio device, the method including: determining in the telephony application the width of the frame buffer (*“a given threshold”; col. 4, lines 36 – 44*); and controlling the frame buffer width by a control signal on the control connection from the telephony application (*col. 4, lines 45 – 52*).

**Regarding claim 15**, Katseff et al. disclose a method for handling of a digital

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audio signal in connection with a personal computer PC, the PC including a telephony application which is connected both to a network and to an audio a sound device (*Fig. 1, co. 3, lines 5 – 22*), the method including: A/D converting an analog audio signal into a digital audio signal in the audio device (*col. 3, lines 20 – 23*); coding the digital audio signal and forming audio frames (*col. 3, lines 23 – 26, 37 – 43*); forming audio packets which are transferred asynchronously through the PC between the telephony application and the audio device (*col. 3, lines 26 – 35*), except said audio device is separate from the PC.

Katseff et al. do not disclose explicitly where said audio device is separate from the PC.

Chang et al. teach where said audio device is separate from the PC (*element 10, Fig. 1, Fig. 8A, Fig. 8B, Fig. 8C, Abstract, col. 2, lines 51 – 62, col. 10, lines 36 – 67, col. 11, lines 1 – 2*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. to include the features of where said audio device is separate from the PC as taught by Chang et al. One of ordinary skill in the art would be motivated to do so for providing a novel and improved method and apparatus for communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) (*as suggested by Chang et al., see col. 2, lines 14 – 17*).

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6. Claims 5, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff et al. (US 6301258 B1) and Chang et al. (US 6330247 B1) as applied to claims 1, 8, 15 above, and further in view of Staudacher et al. (5657384).

**Regarding claim 5**, Katseff et al. disclose implicitly the device according to claim 2, wherein the D/A-A/D converter is a full duplex converter (“audio in, audio out”; Fig. 1). Katseff et al. and Chang et al. do not disclose explicitly wherein the D/A-A/D converter is a full duplex converter.

Staudacher et al. in the same field of endeavor teach wherein the D/A-A/D converter is a full duplex converter (“*full duplex speakerphone*”; Fig. 5a, Fig. 5b, col. 6, lines 23 – 40).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. and Chang et al. to include the features of wherein the D/A-A/D converter is a full duplex converter as taught by Staudacher et al. One of ordinary skill in the art would be motivated to do so for providing method and apparatus for implementing full duplex operation in a low-cost consumer speakerphone that provides perceptibly complete suppression of all the undesirable artifacts of full duplex operation due to signal reflections and delays in the signal paths (*as suggested by Staudacher et al., see col. 5, lines 20 – 24*).

**Regarding claims 16, 17**, Katseff et al. disclose implicitly the method according to claims 8, 15, wherein the audio device operates in full duplex (“*audio in, audio out*”; Fig. 1).

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Katseff et al. and Chang et al. do not disclose explicitly wherein the audio device operates in full duplex.

Staudacher et al. in the same field of endeavor teach wherein the audio device operates in full duplex (*"full duplex speakerphone"; Fig. 5a, Fig. 5b, col. 6, lines 23 – 40*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. and Chang et al. to include the features of wherein the audio device operates in full duplex as taught by Staudacher et al. One of ordinary skill in the art would be motivated to do so for providing method and apparatus for implementing full duplex operation in a low-cost consumer speakerphone that provides perceptibly complete suppression of all the undesirable artifacts of full duplex operation due to signal reflections and delays in the signal paths (*as suggested by Staudacher et al., see col. 5, lines 20 – 24*).

7. Claims 7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff et al. (US 6301258 B1) and Chang et al. ( US 6330247 B1) as applied to claims 1, 8, 15 above, and further in view of Guy et al. (5657384).

**Regarding claims 7, 14,** Katseff et al. disclose the method wherein the telephony application has a control connection to the audio device and the codec device (*"element 127, telephony application"; Fig. 1, col. 3, lines 31 – 43*)

Katseff et al. and Chang et al. do not disclose explicitly the codec has at least two codecs, the method including selecting an appropriate one of the codecs by a

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control signal from the telephony application on the control connection.

Guy et al. in the same field of endeavor teach the codec has at least two codecs, the method including selecting an appropriate one of the codecs by a control signal from the telephony application on the control connection ( *“elements 206A, 206B, Figure 2, col. 7, lines 59 – 62, col. 8, lines 28 – 47”).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Katseff et al. and Chang et al. to include the features of the codec has at least two codecs, the method including selecting an appropriate one of the codecs by a control signal from the telephony application on the control connection as taught by Guy et al. One of ordinary skill in the art would be motivated to do so for providing a system and method for transmitting aural signals across a wide area network (WAN) from a local phone coupled to a computer, e.g., a PC-phone, to a remote phone coupled to a KTS, PBX, or PSTN, for example (*as suggested by Guy et al., see col. 3, lines 25 – 28*).

### ***Response to Arguments***

8. Applicant's arguments filed on 2/27/2009 with respect to claims 1 – 17 have been considered but are moot in view of the new ground(s) of rejection.

**Regarding amended claims 1, 8, 15**, applicant argues reference Katseff fails to teach, disclose, or suggest the device of Applicant's claims 1, 8, and 15. Katseff discloses a PC based packet phone. In other words, each of the elements disclosed in Katseff is resident on the PC. (Katseff; col. 3, lines 5-9) As such, Katseff teaches away

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from the "device" or "audio device" as recited by Applicant's independent claims, and that Katseff fails to teach "connecting a telephony application, resident on the PC, to the device via the network connection".

**In response to applicant's remark/argument,** Examiner respectfully disagrees with the remark/argument addressed above since the rejection set forth below clearly disclosed that the combined system of Katsef et al. and Chang et al. teaches the applicant claimed invention and the subject matters.

Examiner contends the combined system of references Katsef et al. and Chang et al. disclose the device of Applicant's claims 1, 8, and 15, and "connecting a telephony application, resident on the PC, to the device via the network connection". Examiner interpreted "connecting a telephony application, resident on the PC, to the device via the network connection" as "PPP used for communicating over a packet network, and TCP/IP is typically used for control and setup" where elements 100 and 170 could be interpreted as device or audio device as well, while element 127 telephone application as a telephony application, resident on the PC, see Katsef et al., col. 3, lines 31 – 56, and a network connection interpreted as "I/O port" and "to connect to a packet network" see Katsef et al., Fig. 1, col. 4, lines 1 – 13. The combined system of references Katsef et al. and Chang et al. teach all the limitations of the device of applicant's claims 1, 8, and 15, see Katset et al., Fig. 1,col. 3, lines 5 – 22, col. 3, lines 50 – 56; Fig. 1, col. 4, lines 1 – 13; see Chang et al., element 10, Fig.1, Fig. 8A, Fig. 8B, Fig. 8C, Abstract, col. 2, lines 51 – 62, col. 10, lines 36 – 67, col. 11, lines 1 – 2.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Sicher et al. (US 6385195 B2).
- b) Preston et al. (US 7151768 B2).
- c) Riemann et al. (5892764).
- d) Pang et al. (US 20030112758 A1).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-

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3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/  
Examiner, Art Unit 2419  
<5/07/2009::3Qy09>

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2419